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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN CHO,

Defendant and Appellant.

B210105

(Los Angeles County  
Super. Ct. No. BA338872)

APPEAL from a judgment of the Superior Court of Los Angeles County,  
Craig E. Veals, Judge. Affirmed.

Richard Jay Moller, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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John Cho appeals from the judgment entered following his conviction by jury of possessing a counterfeit seal. (Pen. Code, § 472).<sup>1</sup> In a bifurcated proceeding, Cho waived his rights to a trial and admitted having previously been convicted of a serious or violent felony conviction under the “Three Strikes” law (Pen. Code, §§ 667, subds. (b)-(i); 1170.12, subds. (a)-(d)).

During jury selection, the trial court heard and denied Cho’s *Marsden* motion (*People v. Marsden* (1970) 2 Cal.3d 118). The evidence at trial was on April 8, 2008, police officers approached Cho outside a hotel in downtown Los Angeles, searched his person and recovered a California driver’s license bearing the name and address of Sun M. Kim beneath a photograph of Cho. An officer examined the license at the scene and determined it to be counterfeit based on his training and experience. An investigator of fraudulent documents for the Department of Motor Vehicles (DMV) also opined the license was counterfeit. The licenses the DMV had in fact issued to both Sun M. Kim and Cho differed materially from the one found in Cho’s possession.

The court heard and denied Cho’s *Romero* motion to dismiss his prior strike convictions (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497) and sentenced him to four years (double the two-year middle term under the Three Strikes law) in state prison.<sup>2</sup> The court ordered Cho to pay a \$20 security assessment and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to Penal Code section 1202.45. Cho received presentence custody credit of 189 days (126 actual days and 63 days of conduct credit).<sup>3</sup>

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<sup>1</sup> Cho was acquitted of an additional count of possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)).

<sup>2</sup> The trial court granted the People’s motion to dismiss the remaining special allegations.

<sup>3</sup> Cho has filed an ex parte motion in the trial court to correct his presentence custody credit.

Cho filed a timely notice of appeal and we appointed counsel to represent him on appeal. After examination of the record counsel filed an “Opening Brief” in which no issues were raised. On December 31, 2008, we advised Cho he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Cho’s attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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**WOODS, Acting P. J.**

**We concur:**

**ZELON, J.**

**JACKSON, J.**